

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Jawann Rashad Gary

Docket No. 7:08-CR-24-1BO

Petition for Action on Supervised Release

COMES NOW Pamela O. Thornton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jawann Rashad Gary, who, upon an earlier plea of guilty to Felon in Possession of Firearms, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on October 30, 2008, to the custody of the Bureau of Prisons for a term of 60 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall pay a \$100 special assessment.

Jawann Rashad Gary was released from custody on November 21, 2012, at which time the term of supervised release commenced.

On August 8, 2013, the court was apprised the releasee had used marijuana on July 17, 2013, and agreed to hold the violation in abeyance and allow the releasee to participate in substance abuse treatment.

On October 30, 2013, the court was apprised the releasee had used cocaine on October 3 and October 22, 2013. The court modified the releasee's conditions to include two (2) weekends in jail.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On November 25, 2014, the releasee submitted a urine specimen which revealed a positive result for morphine. On December 15, 2014, the releasee was questioned regarding the positive drug screen and he denied using any illegal drugs. The probation officer requested a urine screen that same day, December 15, 2014, which was subsequently returned from the lab revealing a positive result for the use of marijuana. On December 30, 2014, the releasee admitted to the probation officer that he smoked marijuana to deal with stress and depression during the holidays. He further admitted that the morphine positive was a result of a pain pill that he had gotten from a friend when he hurt his back. He apologized for his actions and requested that the probation office give him a chance to get his life straightened out. He agreed to participate in any treatment recommended.

The releasee was admonished for his behavior and informed that future drug use would not be tolerated. He is currently participating in outpatient substance abuse treatment at Coastal Horizons Treatment Center and is working a full time job as a cable pipe fitter. It has been a year since the releasee has used any illegal drugs. The releasee got married earlier this year and his wife is 7 months pregnant. Due to financial problems, they lost their house a few months ago and are currently staying with relatives. This has placed a lot of stress on the releasee. This probation officer believes the releasee would benefit from a psychiatric evaluation to determine the need for medication. Therefore, it is recommended that the releasee's conditions be modified to include a mental health condition. The releasee's urinalysis has been intensified to monitor future drug use.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Pamela O. Thornton
Pamela O. Thornton
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Executed On: January 5, 2015

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ORDER OF COURT

Considered and ordered this 5 day of January, 2013, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge